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Sabella, Christopher Schaepe, Mark Slaven, Lewis
Solomon, Howard W. Speaks, Arthur T. Taylor, and
David Woodrow

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADRIAN MONGELI, Individually, And On
Behalf Of All Others Similarly Situated,

Plaintiffs,

v.

TERAYON COMMUNICATION
SYSTEMS, INC., ZAKI RAKIB, JERRY D.
CHASE, MARK A. RICHMAN, EDWARD
LOPEZ, RAY FRITZ, CAROL
LUSTENADER, MATTHEW MILLER,
SHLOMO RAKIB, DOUG SABELLA,
CHRISTOPHER SCHAEPE, MARK
SLAVEN, LEWIS SOLOMON, HOWARD
W. SPEAKS, ARTHUR T. TAYLOR,
DAVID WOODROW, and ERNST &
YOUNG, LLP,

Defendants.

CASE NO.: 3-06-CV-03936 MJJ

CLASS ACTION

**[PROPOSED] ORDER GRANTING
MOTION TO DISMISS THE AMENDED
CLASS ACTION COMPLAINT FOR
VIOLATIONS OF FEDERAL SECURITIES
LAWS BY TERAYON COMMUNICATION
SYSTEMS, INC. AND THE INDIVIDUAL
DEFENDANTS**

Judge: Honorable Martin J. Jenkins
Date: June 5, 2007
Time: 9:30 a.m.
Courtroom: 11, 19th Floor

The motion to dismiss Plaintiffs' Amended Class Action Complaint For
Violations of Federal Securities Laws (the "Amended Complaint") brought by Terayon
Communication Systems, Inc., along with Zaki Rakib, Jerry D. Chase, Mark A. Richman,
Edward Lopez, Ray Fritz, Carol Lustenader, Matthew Miller, Shlomo Rakib, Doug Sabella,

1 Christopher Schaepe, Mark Slaven, Lewis Solomon, Howard W. Speaks, Arthur T. Taylor, and
2 David Woodrow (the "Individual Defendants") for failure to state a claim pursuant to Rule
3 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act
4 of 1995, 15 U.S.C. 78u-4(b)(3)(A), came on regularly before this Court for hearing on June 5,
5 2007.

6 The Court, having considered the papers in support of and in opposition to the
7 motion, and having heard the arguments of counsel, and good cause appearing therefore,

8 HEREBY ORDERS:

9 Defendants' motion to dismiss is GRANTED. Accordingly, the Amended
10 Complaint against Terayon Communication Systems, Inc. and the Individual Defendants is
11 DISMISSED WITH PREJUDICE.

12 IT IS SO ORDERED.

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15 DATED: _____, 2007

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17 By _____
18 Honorable Martin J. Jenkins
19 United States District Judge
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